

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WILLIAM BARKSDALE,	:	
	:	
Petitioner,	:	Civ. No. 15-1349 (RBK)
	:	
v.	:	MEMORANDUM AND ORDER
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	:	

Petitioner is a federal prisoner proceeding with a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. On March 4, 2015, the Court administratively terminated this action. The docket caption reflected that petitioner was proceeding *pro se* and he had not filed his § 2255 motion on the proper updated *pro se* § 2255 form. However, on March 30, 2015, petitioner submitted a letter which indicated that he is proceeding through counsel. Indeed, the § 2255 motion was signed by petitioner's attorney, Alan D. Bowman, Esq. Accordingly, the March 4, 2015 Memorandum and Order will be vacated and the Clerk will be ordered to reopen this matter as petitioner is proceeding in this action through counsel.

In accordance with Rule 4(b) of the Rules Governing Section 2255 Proceedings, *see* 28 U.S.C. § 2255 Rule 4(b), the Court has screened the motion for dismissal and determined that dismissal without an answer and a reply is not warranted.

Therefore, IT IS this 31st day of March, 2015,

ORDERED that the March 4, 2015 Memorandum and Order (Dkt. No. 2.) is vacated and the Clerk shall reopen this case; and it is further

ORDERED that within forty-five (45) days of the date of the entry of this Order, the United States shall electronically file and serve an answer to the § 2255 motion (Dkt. No. 1.); and it is further

ORDERED that the answer shall respond to the allegations and grounds of the motion and shall adhere to Rule 5 of the Rules Governing Section 2255 Proceedings; and it is further

ORDERED that the answer shall address the merits of each claim raised in the motion; and it is further

ORDERED that the answer shall contain an index of exhibits; and it is further

ORDERED that if the answer refers to briefs or transcripts, orders, and other documents from prior proceedings, then the United States shall serve and file them with the answer; and it is further

ORDERED that petitioner may serve and file a reply to the answer within forty-five (45) days after the answer is filed; and it is further

ORDERED that the Clerk shall place on the docket the fact that Alan D. Bowman, Esq., Gateway 1, Suite 105, Newark, New Jersey 07102 is petitioner's attorney of record in this case.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge